

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In the Bankruptcy Matter of:

Enrique Montano

Debtor

Bankruptcy No. 15-24450
Judge Bruce W. Black (Joliet)
Chapter: 13

NOTICE OF MOTION

TO: Enrique Montano, 640 A Rance Road , Oswego, IL 60543
Glenn B. Stearns, 801 Warrenville Road, Suite 650, Lisle, IL 60532
Manuel A. Cardenas, 2057 North Western Avenue, Chicago, IL 60647
Patrick S. Layng, Office of the U.S. Trustee, Region 11, 219 S. Dearborn St., Room 873,
Chicago, IL 60604

Please take notice on February 5, 2016 at 10:00 am, I shall appear before the Honorable Bruce W. Black, in 2nd Floor, Joliet City Hall, 150 West Jefferson Street, Joliet, Illinois 60432, and present the attached motion at which time you may appear if you wish.

/s/ Kenneth W. Bach

Kenneth W. Bach, IL ARDC #6295816

CERTIFICATE OF SERVICE

I, Kenneth W. Bach, an attorney certify that I served the attached motion by mailing a copy to the Debtor at the address listed above by depositing the same in the U.S. mail, first class, postage prepaid at 230 W. Monroe, Chicago, IL 60606 on or before 5:00 p.m. on January 27, 2016. The remaining parties were served by the CM/ECF electronic noticing system.

/s/ Kenneth W. Bach

Kenneth W. Bach, IL ARDC #6295816

Kenneth W. Bach
Johnson, Blumberg, & Associates, LLC
230 W. Monroe Street, Suite 1125
Chicago, Illinois 60606
Ph. 312-541-9710
Fax 312-541-9711

NOTICE:

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES Wells Fargo Bank, N.A., as Trustee, on behalf of the Certificateholders Park Place Securities, Inc. Asset-Backed Pass-Through Certificates Series 2005-WCW1 (hereinafter "Movant"), through its attorney, Kenneth W. Bach of Johnson, Blumberg & Associates, LLC, and states as follows:

1. The Movant, a party in interest, holds a Mortgage dated March 24, 2005 on the property located at 690 N. Ohio Street, Aurora, Illinois 60505, in the original amount of \$219,000.00. (A copy of the Note, Mortgage, Assignment of Mortgage, and Loan Modification are attached as Exhibit A, B, C, and D, respectively, and incorporated herein by reference).
2. The above-captioned Chapter 13 case was filed on July 17, 2015 and the Debtor's Plan was confirmed on December 4, 2015.
3. The confirmed plan provides for the Debtor to be the disbursing agent for the post petition mortgage payments and the Chapter 13 Trustee to be disbursing agent for the pre-petition arrears.
4. As of December 4, 2015, the Debtor has failed to maintain post-petition payments thereby accruing a default of 5 payments from August 1, 2015 through December 1, 2015 for a post-petition arrearage total of \$6,040.14. A summary of the post-petition arrearage is as follows:

August 1, 2015 to August 1, 2015, 1 payments at \$1,257.34 each
September 1, 2015 to December 1, 2015, 4 payments at \$1,195.70 each

5. The Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
6. The Movant has no adequate protection in that the Debtor is in material default of the terms of the Plan by not making the required payments to the Movant and there is little or no equity in the property.
7. That should the Debtor wish to reinstate while under the jurisdiction of this Court, Movant requests to be reimbursed for the costs and attorney fees of filing this motion.
8. That Movant is entitled to relief pursuant to 11 U.S.C. § 362(d).
9. The Movant requests waiver of 14 day stay provision of Bankruptcy Rule of Procedure 4001(a)(3).

WHEREFORE, Wells Fargo Bank, N.A., as Trustee, on behalf of the Certificateholders Park Place Securities, Inc. Asset-Backed Pass-Through Certificates Series 2005-WCW1 prays for the entry of an order modifying, annulling or terminating the Automatic Stay instanter to allow foreclosure, eviction, or any other action with respect to the Movant protecting its rights in the subject property as the Court deems appropriate and for such other relief as the Court deems just.

/s/ Kenneth W. Bach

Kenneth W. Bach, ARDC #6295816
Attorney for Wells Fargo Bank, N.A., as Trustee, on
behalf of the Certificateholders Park Place
Securities, Inc. Asset-Backed Pass-Through
Certificates Series 2005-WCW1

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